

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600
(www.mo.co.md.us/council/board.html)**

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 11, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **A-5777, Appeal of David M. and Patricia L. Sims** (Department of Permitting Services (DPS) – Building Permit No. 269479). Objection to Motion to Intervene and Motion for Continuance from the appellants. Also included is a letter from Edward J. Calloway dated 7/24/02.

Action: Denied Objection to Motion to Intervene, consensus.

2. **S-807-B, Petition of Washington Adventist Hospital** (hospital). Letter to the Board from William Thomas Hernandez, President, Washington Adventist Hospital Citizens Advisory Committee, requesting a public hearing. Also included are additional letters from neighboring property owners in opposition and requesting a public hearing.

Action: (1) Granted hearing request; (2) refer case to the Office of the Hearing Examiner, (LLM/AIF, 5-0). Hearing scheduled 10/18/02 @ 9:30 a.m.

3. **S-2516, Petition of Happy Tails of MD, Inc. and Tracy Ryan** (animal boarding). Letter to the Board from Stephen J. Orens, Esquire, amending the special exception application and a request to reschedule the public hearing.

Action: (1) Granted request to amend the application and reschedule the public hearing; (2) referred case to the Office of the Hearing Examiner, (DLB/LLM, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
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Staff

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Wednesday, September 11, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, September 4, 2002 Worksession.

Action: Approved with corrections, (LLM/AIF, 5-0).

2. **A-5625, Appeal of L. Carl Jacobsen** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from Nick and Susan Lane regarding the administrative appeal.

Action: Board to request inspection by DPS, (AIF/LLM, 5-0).

3. **A-5775, Appeal of Ahmed Awan** (Department of Permitting Services – Notice of Violation). Letter from Antonio R. Franco, Esquire, for Castro Enterprises, LLC, requesting to intervene.

Action: Granted request to intervene, (LLM/AIF, 5-0).

4. **CBA-961-A [CBA-961], Petition of Bethesda Community School** (private educational institution). Letter to the Board from Paul T. Glasgow, Esquire, requesting clarification of the special exception conditions.

Action: Re-opened the record to include Mr. Glasgow's letter, (DLB/LLM, 5-0).

5. **CBA-1174-C, Petition of Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Harry W. Lerch, Esquire, requesting that the record be re-opened to include the Neighborhood Reconciliation Agreement. (Large exhibits: new entry road landscape plan, track and field landscape plan, site plan, classroom trailer location site plan, modular space elevations and photograph of modular).

Action: Re-opened the record to include the Neighborhood Reconciliation Agreement, (DLB/LLM, 5-0).

6. **CBA-2502, Petition of Hellenic American Academy, Inc.** (riding stable). Letter from William A. Zimmerman, Headmaster, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AMC/AIF, 5-0).

7. **CBA-2699, Petition of Judith A. Kahn** (private educational institution). Letter to the Board from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (LLM/DLB, 5-0).

8. **CBA-2851, Petition of Manor Healthcare Corporation** (nursing home). Letter to the Board from Mark M. Viani, Esquire, requesting an administrative modification and clarification of the Board's 1970 Opinion.

Action: Item deferred for review of the 1994 site plan, consensus.

9. **CBA-3054, Petition of Mr. and Mrs. El Sayed I. Abu-Zaid** (home occupation). Letter to the Board from Leonard Cascioli, current resident, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AMC/AIF, 5-0).

10. **S-548, Petition of Olagoke and Boladale Aiyegbusi** (child day care facility). Letter to the Board from Martha Garcia requesting a transfer of the special exception.

Action: Granted transfer of special exception, (AMC/AIF, 5-0).

11. **S-824-A, Petition of American Plant Food Company, Inc. et al** (retail horticultural nursery). Letter to the Board from Jody S. Kline, Esquire, submitting a revised site plan and requesting an additional hearing date. (Large exhibit: site plan).

Action: (1) Re-opened the record include revised site plan; (2) schedule public hearing; (3) specifications for fence to be added to the record, (4) case will be heard by the Board of Appeals, (DLB/LLM, 5-0).

12. **S-970, CBA-2655, Petition of Kwok H. Wong and Tseuy Ngor Lim** (accessory apartment). Letter from Mei C. Wong, property owner, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (AMC/DLB, 5-0).

13. **S-1041, Petition of Gulf Oil Products** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting reconsideration.

Action: (1) Granted reconsideration request; (2) Case referred to the Office of the Hearing Examiner for Show Cause Hearing, (LLM/DLB, 5-0)

14. **S-1432, Petition of Gila Ehudin** (home occupation). Letter from Ami Aronson, property owner, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

15. **S-1505, Petition of Exxon Company, USA** (automobile filling station). Memorandum submitting an approved landscape and lighting plan from Michael Ma, Zoning Supervisor, M NCPPC. (Large exhibit: landscape and lighting plan).

Action: Re-opened the record to include approved plans, (AIF/AMC, 5-0).

16. **S-1670, Petition of Ann R. Darr** (accessory apartment). Letter to the Board from Maura B. Vanderzon, property owner, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

17. **S-1813, Petition of Dr. and Mrs. William Banfield** (bed and breakfast lodging). Letter from the petitioners notifying the Board that the special exception was never implemented and requesting that it be revoked.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

18. **S-1861, Petition of Michael and Mari-Ellen Uzzo** (landscape contractor). Letter from the petitioner requesting an administrative modification. (Large exhibit: percolation site plan).

Action: Granted administrative modification, (AIF/LLM, 5-0).

19. **S-1958, Petition of Taco Bell Corporation** (drive-in restaurant). Letter from Robert T. Ziegler, petitioner's agent, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a rapid memo from Stanley N. Garber, Investigator, DPS, confirming the abandonment.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

20. **S-2072, Petition of Davco Restaurants, Ins.** (drive-in restaurant) and **S-2073, Petition of Taco Bell** (drive-in restaurant). Letter to the Board from John Sekerak, Jr., ASLA, AICP, petitioner's agent, requesting a **minor modification** and to pay the higher of the two filing fees.

Action: (1) Granted administrative modification; (2) waived the equivalent filing fee, (AIF/AMC, 5-0).

21. **S-2075, Petition of Patricia Floreno-Catanuso** (accessory apartment). Letter from Victor and Stella Martinson, the current property owners, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DLB/LLM, 5-0).

22. **S-2078 [CBA-2640, S-7, S-296], Petition of Michael V. Scott** (veterinary hospital). Memorandum from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/LLM, 5-0).

23. **S-2179, Petition of Lynn Walter Shaulis** (golf driving range). Letter to the Board from Mike Davis, President, MDGolf Pro, LLC, notify the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Item deferred to contact Mr. Davis regarding ownership.

24. **S-2351, Petition of Mid-Atlantic Petroleum Properties, LLC** (automobile filling station). Letter from Stanley D. Abrams, Esquire, requesting a minor modification. (Large exhibit: site and landscape plan).

Action: Granted administrative modification, (AIF/AMC, 4-0-1/DHS/recused).
(Resolution to reflect parking designation.)

25. **S-2453, Petition of Academy Child Development, Inc.** (child day care facility). Letter from Norman E. Haines, ASLA, petitioner's agent, requesting an administrative modification. (Large exhibit: grading and utility plan).

Action: Granted administrative modification, (AMC/LLM, 5-0).

26. **S-2466, Petition of IDK Properties, LLC** (automobile filling station). Letter from Jody S. Kline, Esquire, requesting reconsideration.

Action: Denied reconsideration, (LLM/DLB, 5-0).

DECISION ITEM:

27. **S-2518, Petition of Paul R. Scribner and Gwenda Glessman** (accessory apartment). Hearing Examiner's Report and Recommendation. Also included is a letter from David J. della Badia requesting oral argument.

Action: (1) Deferred decision; (2) granted oral argument, (AIF/DLB, 5-0).

PENDING ITEMS:

28. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

29. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.

30. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.

31. **S-569, [CBA-3051, S95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

32. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.

33. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.

PENDING ITEMS (continued):

34. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
35. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board dated 5/15/02, from C. Robert Dalrymple, Esquire, with an update of the timetable for the proposed text amendment.
36. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
37. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the tem will return to a future Worksession to determine if a public hearing is required.

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